

APR 13 2006

(Substitute) PTO/SB/21 (09-04)

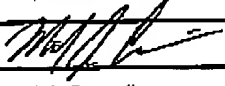
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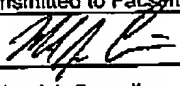
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/539,096
	Filing Date	March 30, 2000
	First Named Inventor	Joseph Fitzpatrick
	Art Unit	3736
	Examiner Name	Charles Alan Marmor, II
	Attorney Docket Number	D2025/20064
Total Number of Pages in This Submission		3

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Addendum to Remarks/Arguments of Amendment dated April 5, 2006
Remarks _____ Please charge Attorney Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd., Customer No. 03000	
Signature		
Printed name	Michael J. Cornelison	
Date	April 13, 2006	Reg. No. 40,395

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Signature		
Typed or printed name	Michael J. Cornelison	Date April 13, 2006

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

First Named Inventor: FITZPATRICK, JOSEPH

Serial No: 09/539,096

Group Art Unit: 3736

Filed: March 30, 2000

Examiner: Charles Alan Marmor, II

Att. Docket No.: D2025/20064

Confirmation No.: 7874

For: BODY FUNCTION MEASURING APPARATUS

LETTER – ADDENDUM TO REMARKS/ARGUMENTS OF AMENDMENTMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Due to an editorial error, the remarks section of the April 5, 2006 Amendment is missing the following paragraph which summarizes remarks set forth in response to the prior art rejections of the October 5, 2005 Office Action. Accordingly, please consider the paragraph as attached after the first paragraph on Page 21 of the Amendment.

In summary, neither Koch nor Stillman provide an enabling disclosure of detecting a difference between a rate of change of a first temperature signal and separately a rate of change of a second temperature signal, as recited in the independent claims of the application. While both Stillman and Koch may have a means to investigate the difference between two sensors, neither of the references realize the advantages for developing a method to investigate potential aspects of the rate of change signal for each sensor. There are no enabling disclosures in Koch or Stillman that show the rate of change relative to each unique actual sensed temperature. Moreover, there is no teaching or disclosure in Stillman of a second indicator connected to both the spaced apart temperature sensors that are adjacent the same area of skin, and producing an

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Addendum To Remarks/Arguments of Amendment
April 12, 2006

indication that the displayed temperature from the first indicator is in error, as recited in independent Claim 17. As noted above, Stillman also does not disclose a circuit that activates the indicator in response to the rate of change of the first signal and the rate of change of the second signal, as recited in Claim 21. Accordingly, neither reference discloses the subject matter of the pending claims, which is why withdrawal of the rejections is respectfully requested.

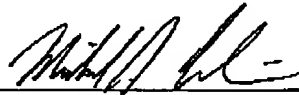
Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

April 13, 2006

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.

By



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